

## **AFTER ACTION AGENDA**

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, JUNE 17, 2013**  
**6:30 P.M.**

**DELTONA COMMISSION CHAMBERS**  
**2345 PROVIDENCE BLVD.**  
**DELTONA, FLORIDA**



### **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Mayor Masiarczyk.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes – Regular City Commission Meeting of June 3, 2013.**

**The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of June 3, 2013.**
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
6. **PUBLIC FORUM – Citizen comments for any items.**  
**(4 minute maximum length)**

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**7. CONSENT AGENDA:**

**8. ORDINANCES AND -PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 06-2013, Phase II-A Amendments to the Land Development Code, at second and final reading.**

*On November 7, 2011, Phase I of the Land Development Code (Code) amendment was adopted by the City Commission. It focused on organization of the Code that also improved ease of use, clarity, and consistency. This process is Phase II-A, which addresses more substantive elements of the Code and is the first cycle of amendments.*

*A City Commission and Planning and Zoning (P&Z) Board joint workshop was held on February 11, 2013, to review and discuss the content of the proposed Phase II-A amendments and related items brought up by P&Z members. At the direction of the City Commission, staff conducted research on these issues relating to the discussion items. The findings of this research were presented at the City Commission Workshop on April 8, 2013, and staff was directed to move forward with the proposed Code amendments.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 06-2013, that amends the Code of Ordinances Subpart B, Land Development Code, by adding, revising, and deleting certain provisions of Chapter 70 Section 30, "Definitions"; Chapter 74, "Administration"; Chapter 96, "Improvements"; and Chapter 110, "Zoning", at second and final reading.**

**B. Resolution No. 2013-15, Appointments to the City of Deltona's Affordable Housing Advisory Committee.**

*In July 2007, the Florida Legislature passed House Bill 1375 (HB 1375) requiring local governments that receive State Housing Initiatives Partnership (SHIP) Program Funds to appoint an Affordable Housing Advisory Committee (AHAC). Consistent with this requirement, the City previously formed an AHAC under the required criteria and that committee performed the duties and responsibilities that were required. The prior AHAC did sunset after the conclusion of their one-year assignment in 2009.*

*Pursuant to 420.9076, F.S. and Rule 67-37.010 Florida Administrative Code (F.A.C.), to continue to qualify for affordable housing funding, the City must appoint an AHAC by resolution on or before June 30, 2013.*

*On March 18, 2013, Ordinance No. 05-2013 was adopted by the City Commission that granted the authority to re-establish an AHAC.*

*Ordinance No. 05-2013 re-established AHAC under the original conditions (with the exception of the ending term) prior to its sunset. The original condition increased membership from 8 to 11 members. However, the Florida Statutes allows for exceptions to membership requirements based on a municipality's size or other reasonable factors.*

*The seven (7) member committee shall include:*

- 1. One citizen who is actively engaged in the residential home building industry in connection with affordable housing.*
- 2. One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.*
- 3. One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.*
- 4. One citizen who is actively engaged as a not-for-profit provider of affordable housing.*
- 5. One citizen who is actively engaged as a real estate professional in connection with affordable housing.*
- 6. One citizen who resides within the jurisdiction of the local governing body making the appointments.*
- 7. One citizen who represents essential services personnel, as defined in the Local Housing Assistance Plan.*

*Reporting requirements:*

*The AHAC shall evaluate and report to the City Commission on established policies, procedures, ordinances, land development regulations, and review the Comprehensive Plan to include recommended changes, as established in Sections 420.9076, F.A.C. by December 2013.*

*City staff shall submit an electronic copy of the report, to be presented to the City Commission for review then to the Florida Housing Finance Corporation, prior to May 15, 2014.*

*After advertising and soliciting for prospective candidates, the City received seven (7) applications from the following individuals expressing a desire to serve on the AHAC to meet their respective areas of expertise:*

*Gonzalez, Yordanis – Residential home building industry;  
Boggs, Tanya - Banking or mortgage banking industry;  
Kurkjian, Peter – Advocate for low-income persons;  
Pena-Castaldi, Jodi – Not-for-profit provider of affordable housing;  
Williams, Michael – Real Estate professional;  
Bradley, William – Pastor; and  
Hickey, Wendy - Support coordinator.*

*Therefore, staff recommends the appointment of the above listed individuals to the City's Affordable Housing Advisory Committee, based on their background and experience, as it relates to the affordable housing industry.*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2013-15 for the appointment of the seven (7) listed members to form the Affordable Housing Advisory Committee, based on the applications and qualifications received for the committee.**

**C. Resolution No. 2013-17, Establishing Preliminary Annual Assessment Rate - Stormwater Utility Services for FY 13/14.**

*The Stormwater Utility System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for stormwater utility assessments. Staff is not proposing a change to the current annual rate of \$76.11 per ERU (Equivalent Residential Unit).*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2013-17, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments for FY 13/14 at the rate of \$76.11 per Equivalent Residential Unit (ERU).**

**D. Resolution No. 2013-18, Establishing the Preliminary Annual Rate Resolution - Solid Waste Services for FY 13/14.**

*The Solid Waste Collection System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for solid waste assessments. Staff is not proposing a change in the annual solid waste assessment; the current fee is \$173.96 per year.*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2013-18, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessment for FY 13/14 to provide for an annual rate of \$173.96 for solid waste collection services.**

**E. Resolution No. 2013-19, Establishing Preliminary Annual Assessment Rate - Streetlighting Services for FY 13/14.**

*The Streetlighting Services System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions. Attached is the Preliminary Annual Rate Resolution for streetlighting assessments.*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2013-19, adopting the current rate for Streetlighting Assessments for FY 13/14.**

**9. OLD BUSINESS:**

**A. Request for approval to use the Florida Sheriffs' Association Contract to purchase Pierce Level I Custom Pumper.**

*As presented at the Commission workshop of January 14, 2013, the Fire Department is experiencing excessive down time of frontline fire apparatus due to mechanical failure and the shortage of parts for several of our engines. Budgeted for Fiscal Year 2012-13 and 2013-14 (tentatively) was the replacement for our Aerial Ladder. The Insurance Services Office (ISO) no longer recommends the need for an aerial ladder, although it is a piece of equipment that has tactical advantages that are unique to this type of equipment. After discussion by the Commission, it was decided to retain our 2003 Aerial Ladder as a reserve apparatus and utilize budgeted funds to purchase a fire engine to be added to the fleet to avoid the frequency of out of service time and the dependence on other municipalities to provide loaner engines.*

*This request exceeds the budgeted amount of \$400,000 by approximately \$40,000. This is due to an upgrade of the base chassis that will provide a better working environment for our firefighters, provide a longer warranty and enhancements that*

*will save on annual repair and maintenance costs by reducing the down time associated with the normal wear and tear experienced by fire apparatus.*

After discussion, the Commission voted unanimously to approve the purchase of a Pierce Manufacturing, Inc. Level I Custom Pumper through Ten-8, their authorized dealer, piggybacking the Florida Sheriff's Association Contract #11-10-1202 at a total cost of \$434,355 and to pay for the additional cost by a budget amendment to appropriate \$40,000 of fund balance of the Capital Replacement Equipment Fund.

**10. NEW BUSINESS:**

**A. Consideration of appointment of one (1) member to the City's Planning and Zoning Advisory Board.**

*Board member and secretary Heather Mulder tendered her resignation on May 16, 2013.*

*The City has run press releases, posted the opening on the City's WebPage, and bulletin boards. To date, the City has received applications from the following interested individuals: Tom Burbank and Rod Geilen.*

After discussion, the Commission voted 6 to 1 (Commissioner Barnaby voted against the motion) to confirm the following Commission member's appointment of the citizen member Tom Burbank to the Planning and Zoning Advisory Board for the remainder of a term to expire on March 15, 2014.

**B. Consideration of appointment of City representative to the Volusia Growth Management Commission (VGMC).**

*The appointment of Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) expires on June 30, 2013 and she has indicated via the attached emails that she would like to be re-appointed as the City's representative.*

*The City has run a press release and posted the opening on the City's WebPage, D-TV and City bulletin board. To date, the City has received applications from Sandy Lou Gallagher and Deborah Soto.*

After discussion, the Commission voted unanimously to confirm the following Commission member's appointment of citizen member Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) for a two (2) year term to expire on June 30, 2015.

**C. Consideration of appointment of five (5) members and two (2) alternates to the City's Charter Review Committee.**

*At the Commission Workshop held on Monday, May 28, 2013, the City Commission concurred that each Commissioner would submit two (2) recommendations to be considered for selection to a five (5) member Charter Review Committee with two (2) of the nominees to be selected as alternates; that Chief Assistant City Attorney Wade Vose would facilitate the process; that City Attorney Becky Vose would create and distribute the application forms to the Commission at the June 3, 2013 Regular City Commission Meeting; that all applications would be submitted by the Commission at the Commission Workshop on June 10, 2013, the Commission would make their selections of the members at the Regular Commission meeting on June 17, 2013; and the first Charter Review Committee Meeting would take place in July, 2013.*

*The City Charter defines the municipal powers, rights and privileges of the City of Deltona including form of government, powers and duties of the City Commission and City Manager, designated Charter officers, type of elections conducted, and identifies City boundaries. The Committee's work is expected to take approximately one (year), with Charter amendments to be placed on the ballot in the election of November, 2014.*

*The language included in the City Charter related to Charter Review includes the following:*

*"(2) CHARTER REVIEW.*

*(a) The Charter shall be reviewed no sooner than 5 years after the creation of the City of Deltona on December 31, 1995, and thereafter at least every 10 years.*

*(b) A five-member Charter Review Committee shall be appointed at least 1 year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election.*

*(c) The Deltona City Commission shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot."*

**After discussion, the Commission voted unanimously to confirm the appointment of the following individuals: Jean Armstrong, Lonnie L. Groot, Michael Kerns, Michael Kiepert and Beverly Spitz and the two (2) alternates David Dapore and Paula Rossiter to the City's Charter Review Committee for two (2) year terms to expire on June 30, 2015.**

**11. CITY COMMISSION COMMENTS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Kent 48 hours in advance of the meeting date and time at (386) 878-8500.